THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 10th July, 2006

W.P.No.11443 of 1998

Between:

P. Shivaiah ... Petitioner

and

Primary Agricultural Cooperative
Society, Nermetta, rep. by its
Secretary. ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11443 of 1998

ORAL ORDER:

This Writ Petition is filed seeking to quash the Proceedings of the 2nd respondent dated 17-8-1992, which was confirmed by Judgment dated 1-10-1997 in C.T.A.No.169 of 2001 on the file of the A.P. Cooperative Tribunal at Hyderabad.

It seems, the petitioner was the Secretary of the 1st respondent-society. While so, he alleged to have committed certain irregularities, which came to light during the course of Audit. It was found that the petitioner is responsible for loss of society's money of Rs.60,799,64 ps. Thereafter, the 2nd respondent-Deputy Registrar of Cooperative Societies passed Orders on 17-8-1992 under Section 60 of the Andhra Pradesh Cooperative Societies Act,1964 directing to recover an amount of Rs.50,583.62 ps from the petitioner. Aggrieved by the same, the petitioner filed an appeal in C.T.A.No.447 of 1994 on the file of the Cooperative Tribunal at Hyderabad. After elaborate consideration of the matter and on perusing the Order passed by the 2nd respondent and on its own appreciation of the evidence on record, the Tribunal came to the conclusion that the contention of the petitioner that the principles of natural justice were violated and the 2nd respondent did not conduct independent enquiry as per law, is not true and correct and thus dismissed the appeal. Challenging the same, the present Writ Petition is filed.

Now it is the contention of the learned counsel for the petitioner

that neither any enquiry is conducted before passing the impugned Order by the 2nd respondent nor the appellate authority-Cooperative Tribunal has properly appreciated the same.

The questions raised by the petitioner are pure questions of fact. The Tribunal, after a detailed consideration of the matter, found that the surcharge authority had given ample opportunity to the petitioner to defend his case for a number of times and the contention of the petitioner that the principles of natural justice are violated is not tenable. The said finding of fact arrived at by the Tribunal cannot be interfered with by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. No legal infringement has been brought to the notice of this Court. The Writ Petition is devoid of merit and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

10-7-2006

prk

-

-